

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOVANNY ACUNA-MARTINEZ,

Plaintiff

Case No. 2:23-cv-01390-ART-MDC

ORDER

v.

C.O.,

Defendant

I. DISCUSSION

On June 18, 2024, the Court issued a screening order and granted Plaintiff 60 days from the date of the order to file an amended complaint that cured the deficiencies of his complaint and identified Doe C/O by name. (ECF No. 12 at 9-10). On August 15, 2024, Plaintiff submitted a motion for an extension of time to file an amended complaint because he had to subpoena the Nevada Department of Corrections to obtain information. (ECF No. 16).

The Court grants the motion for an extension of time. Plaintiff will file the amended complaint on or before October 25, 2024. If Plaintiff chooses not to file an amended complaint, the Court will dismiss this action without prejudice for Plaintiff to initiate a new action when he learns the identity of Doe C/O. (ECF No. 12 at 10).

Additionally, to the extent that the document Plaintiff submitted at ECF No. 14 is supposed to be a subpoena duces tecum under Federal Rule of Civil Procedure 45, it is not properly formatted. (ECF No. 14). Plaintiff references state statutes in his document. (See *id.*) If Plaintiff wants to file a properly formatted subpoena duces tecum in this Court, he should follow the procedures outlined in Federal Rule of Civil Procedure 45. Plaintiff should be able to obtain a copy of the Federal Rules of Civil Procedure from the prison law library.

